

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

THE SHANE GROUP, INC., *et al.*,
on behalf of themselves and all
others similarly situated,

Plaintiffs

v.

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

Case No. 2:10-cv-14360-DPH-MKM

Hon. Denise Page Hood

Magistrate Judge Mona K. Majzoub

**PLAINTIFFS' AND BCBSM'S JOINT MOTION FOR ORAL ARGUMENT
ON LIMITED ISSUE REMANDED TO THIS COURT
BY THE SIXTH CIRCUIT AT ECF NOS. 389-390**

Plaintiffs The Shane Group, Inc., Bradley A. Veneberg, Michigan Regional Council of Carpenters Employee Benefits Fund, Abatement Workers National Health and Welfare Fund, Monroe Plumbers & Pipefitter Local 671 Welfare Fund, Scott Steele, Anne Noah, and Susan Baynard (collectively, “Plaintiffs”) along with Defendant Blue Cross Blue Shield of Michigan (“BCBSM”), by and through their undersigned counsel, respectfully submit this Motion for oral argument on the limited issue remanded to this Court by the August 21, 2020 order of the United States Court of Appeals for the Sixth Circuit, namely, the amount of Varnum’s fee award. *See* ECF Nos. 389 and 390.

There also is a related issue that has not been decided by this Court: whether Varnum’s fees should come from the Settlement Fund or from the fees awarded to Class Counsel. Plaintiffs and BCBSM respectfully request an opportunity to address both issues at oral argument and request that such a hearing be set at the Court’s earliest convenience to comply with the Court of Appeals’ expectation of a “prompt decision” (ECF No. 389 at p. 3) on these issues and the parties’ obligation to provide “a status report on the proceedings before the district court, beginning 60 days after entry of this order and recurring every 60 days thereafter.” *Id.*

As required by Local Rule 7.1(a), Plaintiffs’ counsel met and conferred with counsel for the Varnum Objectors on October 5, 2020 via email. Counsel informed

Plaintiffs that he agrees with requesting a hearing but does not agree with all of the wording of the motion.

WHEREFORE, Plaintiffs and BCBSM respectfully request the opportunity to address the aforementioned issues at oral argument and request that such a hearing be set at the Court's earliest convenience to comply with the Court of Appeals' expectation of a "prompt decision" (ECF No. 389 at p. 3) on these issues.

Dated: October 6, 2020

Respectfully submitted,

/s/ E. Powell Miller

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Hon. Denise Page Hood

Magistrate Judge Mona K. Majzoub

**BRIEF IN SUPPORT OF PLAINTIFFS' AND BCBSM'S
JOINT MOTION FOR ORAL ARGUMENT ON
LIMITED ISSUE REMANDED TO
THIS COURT BY THE SIXTH CIRCUIT AT ECF NOS. 389-390**

STATEMENT OF ISSUES PRESENTED

1. Whether the Court should schedule prompt oral argument on the limited issue remanded to this Court by the August 21, 2020 order of the United States Court of Appeals for the Sixth Circuit (at ECF Nos. 389 and 390), namely, the amount of Varnum's fee award and the undecided related issue of whether Varnum's fees should come from the Settlement Fund or from the fees awarded to Class Counsel?

Plaintiffs and BCBSM Answer: Yes

MOST CONTROLLING AUTHORITIES

E.D. Mich. L.R. 7.1

ECF Nos. 389-390

In support of Plaintiffs' and Blue Cross Blue Shield of Michigan's ("BCBSM") Motion for Oral Argument on Limited Issue Remanded to this Court by the Sixth Circuit at ECF Nos. 389-390, Plaintiffs and BCBSM rely on the content of their motion, the record, ECF Nos. 389-390, E.D. Mich. L.R. 7.1, and the discretion of the Court.

Dated: October 6, 2020

Respectfully submitted,

/s/ E. Powell Miller

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*Counsel for Defendant Blue Cross Blue
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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all filing users indicated on the Electronic Notice List through the Court's electronic filing system.

I further certify that I served copies of the foregoing via First Class U.S. Mail and electronic mail upon the following:

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